



June 2019

K-12 EDUCATION

Certain Groups of Students Attend Alternative Schools in Greater Proportions Than They Do Other Schools

Highlights of [GAO-19-373](#), a report to the Chairman, Committee on Education and Labor

Why GAO Did This Study

Students who attend public K-12 alternative schools may be at risk of educational failure for many reasons, including poor grades, disruptive behavior, mental health issues, and other life circumstances. Movement of students in and out of alternative schools can be fluid, with some students attending for a few days to a few years, and some cycling in and out of these schools repeatedly. Support staff, such as school psychologists and social workers, can play a role in supporting students' health, behavioral, and emotional needs.

GAO was asked to review alternative schools. This report examines what is known about enrollment, discipline, and support staff in alternative schools, among other objectives. GAO analyzed data on alternative schools for school years 2013-14 and 2015-16 from Education's Civil Rights Data Collection (most recent years available); visited selected school districts and alternative schools in Florida, Illinois, and Texas, selected for a mix of types (regular alternative, charter, and juvenile justice) and focuses (disciplinary or academic) of alternative schools; and interviewed federal officials.

In commenting on this report, Education expressed concern that GAO's analysis could confuse readers about whether race/ethnicity and other demographic variables are the cause of disproportionality or are simply correlated. GAO believes this concern is misplaced because the report clearly states that GAO's analysis is descriptive and does not imply causation or make inferences about disproportionality.

View [GAO-19-373](#). For more information, contact Jacqueline M. Nowicki at (617) 788-0580 or nowickij@gao.gov

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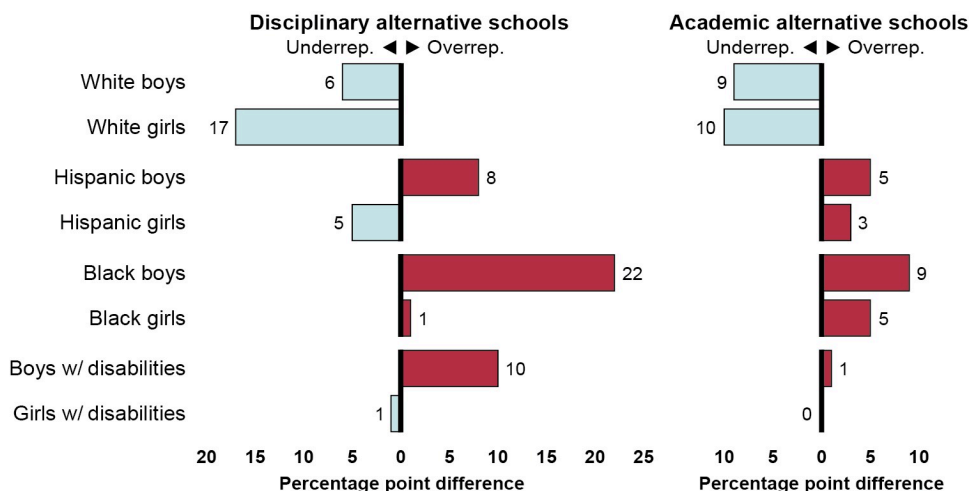
Certain Groups of Students Attend Alternative Schools in Greater Proportions Than They Do Other Schools

What GAO Found

Certain groups of students are overrepresented at alternative schools—public schools with a disciplinary or academic focus that serve students who have been expelled or suspended from school, or are at risk of educational failure—compared to their enrollment at nonalternative schools. Overall enrollment and discipline of students at these schools dropped between school years 2013-14 and 2015-16, according to GAO's analysis of Department of Education (Education) data. Declines in White and Hispanic student enrollment accounted for most of the drop. Some groups, such as Black boys and boys with disabilities, were overrepresented in alternative schools, particularly those with a discipline focus, compared to their enrollment at nonalternative schools (see figure). While overall discipline dropped for students at alternative schools, school arrests and referrals to law enforcement went up by 33 and 15 percent, respectively, for Black boys and girls between school years 2013-14 and 2015-16.

Under/Overrepresentation at Alternative Schools, School Year 2015-16

We used the terms "underrepresented" and "overrepresented" to describe instances in which a student group had a lower or higher level of enrollment at alternative schools compared to their representation in the student population at nonalternative schools. Our analyses of these data, taken alone, do not establish whether unlawful discrimination has occurred.



Source: GAO analysis of data from the Department of Education's Civil Rights Data Collection for school year 2015-16. | GAO-19-373

Alternative schools have some of the most vulnerable students, but lower percentages of alternative schools have various types of support staff than nonalternative schools. Compared to nonalternative schools in 2015-16, a lower percentage of alternative schools had social workers, nurses, and counselors—support staff who serve different roles in addressing the health, behavioral, and emotional needs of students. For example, 47 percent of nonalternative schools had at least one social worker, compared to 26 percent of alternative schools. In every district GAO visited, officials said students had experienced multiple types of trauma, such as gang violence, death of schoolmates or parents, poverty, or homelessness—consistent with research linking trauma with educational and behavioral challenges—and described various strategies they used to meet student needs despite their staffing challenges.

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Abbreviations

CCD	Common Core of Data
CRDC	Civil Rights Data Collection
Education	U.S. Department of Education
Justice	U.S. Department of Justice
NCES	U.S. Department of Education, National Center for Education Statistics
OCR	U.S. Department of Education, Office for Civil Rights
OJJDP	U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention
SAMHSA	Substance Abuse and Mental Health Services Administration

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Introduction

June 13, 2019

Dear Mr. Chairman:

Students in public K-12 alternative schools are among some of the most vulnerable populations in schools. These schools serve students that have been expelled or suspended from school, or are at risk of educational failure because of poor grades, truancy, disruptive behavior, mental health issues, being a teen parent, and other life circumstances. Further, enrollment at alternative schools can be fluid, with some students attending anywhere from a few days to a few years, while others cycle in and out of these schools repeatedly. Alternative schools can be of various types—regular public schools, charter schools, and juvenile justice facilities (i.e., facilities where students are incarcerated). Alternative schools are public and can be operated by a school district or a private company under contract with a school district. They can also have different focuses, such as academic, disciplinary, or both. Alternative schools can vary significantly from school to school in how they operate and how information on students who attend these schools is reported by individual school districts—data that are required to be reported for federal oversight.

You asked us to report on the student population in alternative schools. This report examines what is known about (1) enrollment, discipline, and support staff, such as counselors and psychologists, in alternative schools; and (2) the ways selected school districts report data on alternative schools for federal oversight.

To determine what is known about enrollment, discipline, and support staff in alternative schools, we analyzed the Department of Education’s (Education) Civil Rights Data Collection (CRDC) for the two most recent collections, 2013-14 and 2015-16 school years.¹ CRDC collects a range of information on public schools nationwide, including student demographics (e.g., race, sex, disability), school type, discipline, and staffing. We used Education’s Office for Civil Rights (OCR) 2015-16 CRDC definition of an alternative school: “[A] public

¹CRDC is a biennial national survey that Education requires nearly all public school districts and schools to complete; specifically, territorial schools (except for Puerto Rico, commencing for the 2017-18 CRDC collection), Department of Defense schools, and tribal schools are not part of the CRDC.

elementary or secondary school that addresses the needs of students that typically cannot be met in a regular school program. The school provides nontraditional education; serves as an adjunct to a regular school; and falls outside of the categories of regular education, special education, or vocational education."² Further, because juvenile justice facilities also address the educational needs of students that cannot be met in a regular school setting, we included in our study all juvenile justice facilities that are reported in the CRDC, whether or not they were identified as alternative schools. ³ For many of our analyses, we compared students at alternative schools with students at nonalternative schools.⁴ Results of our analyses are associational and do not imply a causal relationship. We determined these data were sufficiently reliable for the purposes of this report by reviewing documentation, conducting electronic testing, and interviewing Education officials.

To gather information on what is known about the ways selected school districts report data on alternative schools for federal oversight, we visited seven school districts in three states, Florida, Illinois, and Texas. These states were selected to represent a mix of states with high numbers and proportions of alternative schools, the presence of alternative schools run under contract to private entities, and geographic diversity. We selected school districts and schools for a mix of alternative school type (regular alternative, charter alternative, juvenile justice facility), focus (academic, disciplinary, mixed academic and disciplinary), and location (urban, suburban, rural). Within each state, we visited at least two school districts; within each district, we visited up to four alternative schools. These site visits also served to supplement our CRDC data analysis to provide illustrative examples of schools and the students they serve. Although the results of these site visits are not generalizable to all states or

²See CRDC's 2015-16 School Form: <https://www2.ed.gov/about/offices/list/ocr/docs/crdc-2015-16-all-schools-form.pdf>.

³According to Education officials, schools are identified in the CRDC as a juvenile justice facility based on the Common Core of Data (CCD) directory information. For school year 2013-14 data, OCR was also able to cross-reference these data with the Department of Justice's Office of Juvenile Justice and Delinquency Prevention (OJJDP). The CRDC does not permit a school district to classify a school as a juvenile justice facility or not. They are already designated as such. However, according to Education officials, school districts may notify OCR of a discrepancy in the type of school designation so that OCR can engage in a process to correct the information.

⁴We defined nonalternative schools as any school in the CRDC, including special education schools, that didn't fall under our definition of alternative schools.

school districts, they provide illustrative examples of how different states and school districts report data on alternative schools to Education as part of its CRDC. See appendix I for more information on our objectives, scope, and methodology.

We conducted this performance audit from April 2018 to June 2019 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Background

Overview of Alternative Schools

According to data from Education’s CRDC, fewer than 1 percent of all public school students attended alternative schools in school year 2015-16 (roughly 369,000 students). Yet these students are among the most vulnerable because they are often on the verge of dropping out, are incarcerated, or were expelled or suspended from their nonalternative schools. Some alternative schools have an academic focus and help students earn credits toward graduation if they are behind in school or if they need to graduate early in order to attend to other necessities, such as working or parenting. Other alternative schools—referred to by some districts as their discipline schools—have a disciplinary focus and serve students who have been suspended or expelled from their nonalternative school. Alternative schools may be operated by school districts themselves or by private for-profit or non-profit entities that contract with the public school districts. These entities are subject to specific contractual obligations. These contractual obligations could include requirements related to services the contractor must provide, performance and accountability standards, and record keeping requirements for purposes of reporting student-level data to the contracting school district. There are various types of alternative schools, including regular public schools (77 percent), charter schools (6 percent), and juvenile justice facilities (17 percent).⁵

⁵The CRDC defines a justice facility as a public or private facility that confines pre-adjudicated/pre-convicted individuals, post-adjudicated/post-convicted individuals, or both. A justice facility includes short-term and long-term facilities, such as correctional facilities, detention centers, jails, and prisons. Only individuals up to 21 years of age who are confined in justice facilities are reported for the CRDC. According to OCR, justice facilities that are operated by entities other than school districts or public schools would not be included in the CRDC, unless the school district’s own elementary or secondary educational program was conducted through the justice facility. Juvenile justice facilities are often the responsibility of state or local juvenile justice agencies, and the educational services may be provided by the agency operating the facility, a state educational agency, a local educational agency (LEA) serving that geographical community, a different public provider, or a private provider (through a contract with a public agency). For purposes of this report, we refer to regular public schools that are alternative schools as “regular alternative schools,” and charter schools that are alternative schools as “charter alternative schools.”

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Research on Discipline in Schools

In our 2018 report on discipline in K-12 schools, we found that Black students, boys, and students with disabilities experienced disproportionate levels of discipline in school year 2013-14 across all types of schools, including alternative schools.⁶ As we reported in 2018, who gets disciplined and why is complex. Studies we reviewed for that report suggest that implicit bias—stereotypes or unconscious associations about people—on the part of teachers and staff may cause them to judge students’ behaviors differently based on the students’ race and sex.⁷ The studies showed that these judgments can result in certain groups of students being more harshly disciplined than others. Further, the studies found that the types of offenses that Black children were disciplined for were largely based on school officials’ interpretations of behavior. For example, one study found that Black girls were disproportionately disciplined for subjective interpretations of what constitutes disobedience and disruptive behavior.

Further, a child’s performance and behavior in school may be affected by health and social challenges outside the classroom that tend to be more acute for poor children, including minority children who experience higher rates of poverty, and for those who have experienced trauma.⁸ Research shows that experiencing trauma in

⁶GAO, K-12 Education: Discipline Disparities for Black Students, Boys, and Students with Disabilities, GAO-18-258 (Washington, D.C.: Mar. 22, 2018).

⁷Edward Morris and Brea Perry, *Girls Behaving Badly? Race, Gender, and Subjective Evaluation in the Discipline of African American Girls* (2017). This study was conducted in a large, urban public school district in Kentucky for students in grades six through 12 between August 2007 and June 2011. See also Keith Smolkowski et al., *Vulnerable Decision Points for Disproportionate Office Discipline Referrals: Comparisons of Discipline for African American and White Elementary School Students* (2016). This study was conducted using data from the 2011-12 school year, and limited to elementary schools that used a standardized system for tracking discipline referrals.

⁸Liliana Fernandes, Americo Mendes, and Aurora Teixeira, *A Review Essay on the Measurement of Child Well-Being*, *The American Academy of Pediatrics* (2011); *The Lifelong Effects of Early Childhood Adversity and Toxic Stress*, *The American Academy of Pediatrics* (2012); *Mediators and Adverse Effects of Child Poverty in the United States*, *The American Academy of Pediatrics* (2016); U.S. Department of Commerce, U.S. Census Bureau, *Current Population Survey, 2008 to 2017 Annual Social Economic Supplements*, as cited by GAO, *Child Well-Being: Key Considerations for Policymakers Including the Need for a Federal Cross-Agency Priority Goal*, GAO-18-41SP (Washington, D.C.: Nov. 2017).

childhood may lead to educational challenges, such as lower grades and more suspensions and expulsions; increased use of mental health services; and increased involvement with the child welfare and juvenile justice systems, according to the U.S. Department of Health and Human Services' Substance Abuse and Mental Health Services Administration (SAMHSA).⁹ Some research has found that youth in juvenile justice facilities report experiencing multiple types and instances of trauma, such as assault, family and community violence, and physical or sexual abuse.¹⁰ For example, in one study of youth involved in the juvenile justice system in New Hampshire and Ohio, 94 percent reported having experienced at least one trauma in their lifetime, and the average number of traumas reported was about five.¹¹ Other research indicates that creating a positive school climate, including social and emotional learning programming, may lead to more positive academic and behavioral outcomes in schools.¹² Creating a positive school environment can include employing resources to help students develop the social, emotional, and conflict resolution skills needed to avoid and de-escalate problems, and targeting supports to help address underlying causes of misbehavior, such as trauma. School psychologists, social workers, nurses, and counselors can all play a role in supporting the health, behavioral, and emotional needs of students.

⁹SAMHSA and The National Child Traumatic Stress Network, Understanding Child Trauma, SMA-15-4923 (2016).

¹⁰R. Charak, J.D. Ford, C.A. Modrowski, and P.K. Kerig, "Polyvictimization, Emotion Dysregulation, Symptoms of Posttraumatic Stress Disorder, and Behavioral Health Problems among Justice-Involved Youth: a Latent Class Analysis," Journal of Abnormal Child Psychology (April 2018). See also A.J. Sedlak, and K. McPherson, Survey of Youth in Residential Placement: Youth's Needs and Services, SYRP Report (Rockville, MD: Westat (2010)).

¹¹The study was of a nonprobability sample of 350 youth. See H.J. Rosenberg, J.E. Vance, S.D. Rosenberg, G.L. Wolford, S.W. Ashley, and M.L. Howard, "Trauma Exposure, Psychiatric Disorders, and Resiliency in Juvenile-Justice-Involved Youth," Psychological Trauma: Theory, Research, Practice, and Policy, vol. 6, no. 4 (2014), pp. 430-437.

¹²See A. Thapa, J. Cohen, A. Higgins-D'Alessandro, and S. Guffey, School Climate Research Summary: August 2012, School Climate Brief, No.3 (New York, NY: National School Climate Center, 2012): www.schoolclimate.org/climate/research.php; and J.A. Durlak, R.P. Weissberg, A.B. Dymnicki, R.D. Taylor, and K.B. Schellinger, "The impact of enhancing students' social and emotional learning: A meta-analysis of school-based universal interventions," Child Development, 82(1) (2011): pp. 405-432.

Education and Justice Enforcement Responsibilities

Education’s OCR and the Department of Justice’s (Justice) Civil Rights Division and its Office for Civil Rights for the Office of Justice Programs are responsible for enforcing a number of civil rights laws, which protect students from discrimination on the basis of certain characteristics.¹³ As part of their enforcement responsibilities, both agencies conduct investigations in response to complaints or reports of possible discrimination.¹⁴ Education may also seek to terminate federal funds if a recipient is determined to be in violation of the civil rights laws and the agency is unable to reach agreement with the parties involved.¹⁵ Further, Justice has the authority to file suit in federal court to enforce the civil rights of students in public education.

Additionally, Justice’s Office of Juvenile Justice and Delinquency Prevention (OJJDP) supports local and state efforts to prevent delinquency and improve the juvenile justice system. OJJDP sponsors research, program, and training initiatives; develops priorities and goals and sets policies to guide federal juvenile justice issues; disseminates information about juvenile justice issues; and awards funds to states to support local programming. OJJDP supports prevention and intervention programs aimed at helping young people overcome the challenges in their lives and avoid involvement with the justice system. For example, in fiscal year 2015, OJJDP provided more than \$77 million in discretionary funding to strengthen

¹³Both agencies also have regulations requiring that they conduct periodic reviews of recipients of federal funding for compliance with certain laws they enforce. See, for example, 34 C.F.R. § 100.7 and 28 C.F.R. § 42.107, requiring Education and Justice, respectively, to periodically review the practices of recipients of federal funding to determine whether they are complying with Title VI requirements. The procedural provisions of Title VI also apply to Title IX of the Education Amendments Act of 1972 and Section 504 of the Rehabilitation Act of 1973. In addition, according to Justice, Justice’s Civil Rights Division can remedy a “pattern or practice” of conduct that violates the constitutional or federal statutory rights of youth in schools in juvenile justice facilities. See 42 U.S.C. §§ 1997-1997j; 34 U.S.C. § 12601.

¹⁴Education also carries out agency-initiated investigations, which they call compliance reviews and directed investigations, that assess the practices of recipients to determine whether they comply with the laws and regulations OCR enforces.

¹⁵Agency officials told us that this rarely happens. Before termination of federal funds can occur, a recipient, among other things, has the right to request a hearing. GAO, K-12 Education: Better Use of Information Could Help Agencies Identify Disparities and Address Racial Discrimination, GAO-16-345 (Washington, D.C.: Apr. 21, 2016).

mentoring programs across the nation. These programs were focused on addressing the mentoring needs of underserved populations, including tribal youth, youth with disabilities, youth in foster care, and child victims of commercial sexual exploitation.

Education’s OCR also administers the CRDC, a biennial national survey that Education requires nearly all public school districts and schools to complete, and publishes the data and reports on its website.¹⁶ The CRDC survey collects a variety of information on student enrollment, discipline, and staff (such as teachers, psychologists, and counselors), most of which is disaggregated by race/ethnicity, sex, limited English proficiency, and disability. Data for the CRDC are self-reported by school districts, and are based on two different points in the school year. The fall snapshot captures enrollment, student demographics, and school type data as of October 1 or the closest school day to October 1; and the cumulative end of the year count captures data such as school staff and all incidents of discipline for the entire school year. School districts report discipline under six broad categories in Education’s CRDC: (1) out-of-school suspensions, (2) in-school suspensions, (3) referrals to law enforcement, (4) expulsions, (5) corporal punishment, and (6) school-related arrests.

K-12 Student Enrollment

Of the more than 50 million students in public K-12 schools in school year 2015-16, about one-half were White and the other half fell into one of several minority groups, with Hispanic and Black students being the largest minority groups, according to CRDC data (see table 1). The number of boys and girls in public schools was almost evenly split. A larger percentage of boys were students with disabilities.

¹⁶ <https://www2.ed.gov/about/offices/list/ocr/data.html>.

Table 1: Student Enrollment in K-12 Public Schools, by Race, Sex, and Disability Status, School Year 2015-16

Group	Enrollment (in thousands)	Share of all students (%)
Total students	50,574	100.0
Boys	25,995	51.4
Girls	24,579	48.6
White students	24,678	48.8
White boys	12,745	25.2
White girls	11,934	23.6
Hispanic students	13,035	25.8
Hispanic boys	6,681	13.2
Hispanic girls	6,354	12.6
Black students	7,806	15.4
Black boys	3,991	7.9
Black girls	3,815	7.5
Asian students	2,738	5.4
Asian boys	1,399	2.8
Asian girls	1,339	2.7
American Indian or Alaska Native students	558	1.1
American Indian or Alaska Native boys	285	.6
American Indian or Alaska Native girls	273	.5
Multi-race students	1,759	3.5
Multi-race boys	895	1.8
Multi-race girls	864	1.7
Students with disabilities	6,352	12.6
Boys with disabilities	4,225	8.4

Girls with disabilities	2,127	4.2
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Source: GAO analysis of data from the Department of Education's Civil Rights Data Collection for school year 2015-16. | [GAO-19-373](#)

In our 2016 report, we found that schools with a relatively large proportion of students in poverty also tend to have a higher proportion of minority students.¹⁷ As we have reported, over time, there has been a large increase in schools that are the most isolated by poverty and race, and the link between racial and ethnic minorities and poverty is longstanding, and also affects access to a quality education. We also reported in 2018 that students in relatively poor—where 80 percent of students are Black and Hispanic—and small schools had less access to high school courses that help prepare them for college.¹⁸

¹⁷GAO, K-12 Education: Better Use of Information Could Help Agencies Identify Disparities and Address Racial Discrimination, GAO-16-345 (Washington, D.C.: Apr. 21, 2016).

¹⁸GAO, K-12 Education: Public High Schools with More Students in Poverty and Smaller Schools Provide Fewer Academic Offerings to Prepare for College, GAO-19-8 (Washington, D.C.: Oct. 11, 2018).

Major Findings

Enrollment and Discipline Varied by Race, Sex, and Disability Status in Alternative Schools, a Lower Percentage of which Have Support Staff Compared to Nonalternative Schools

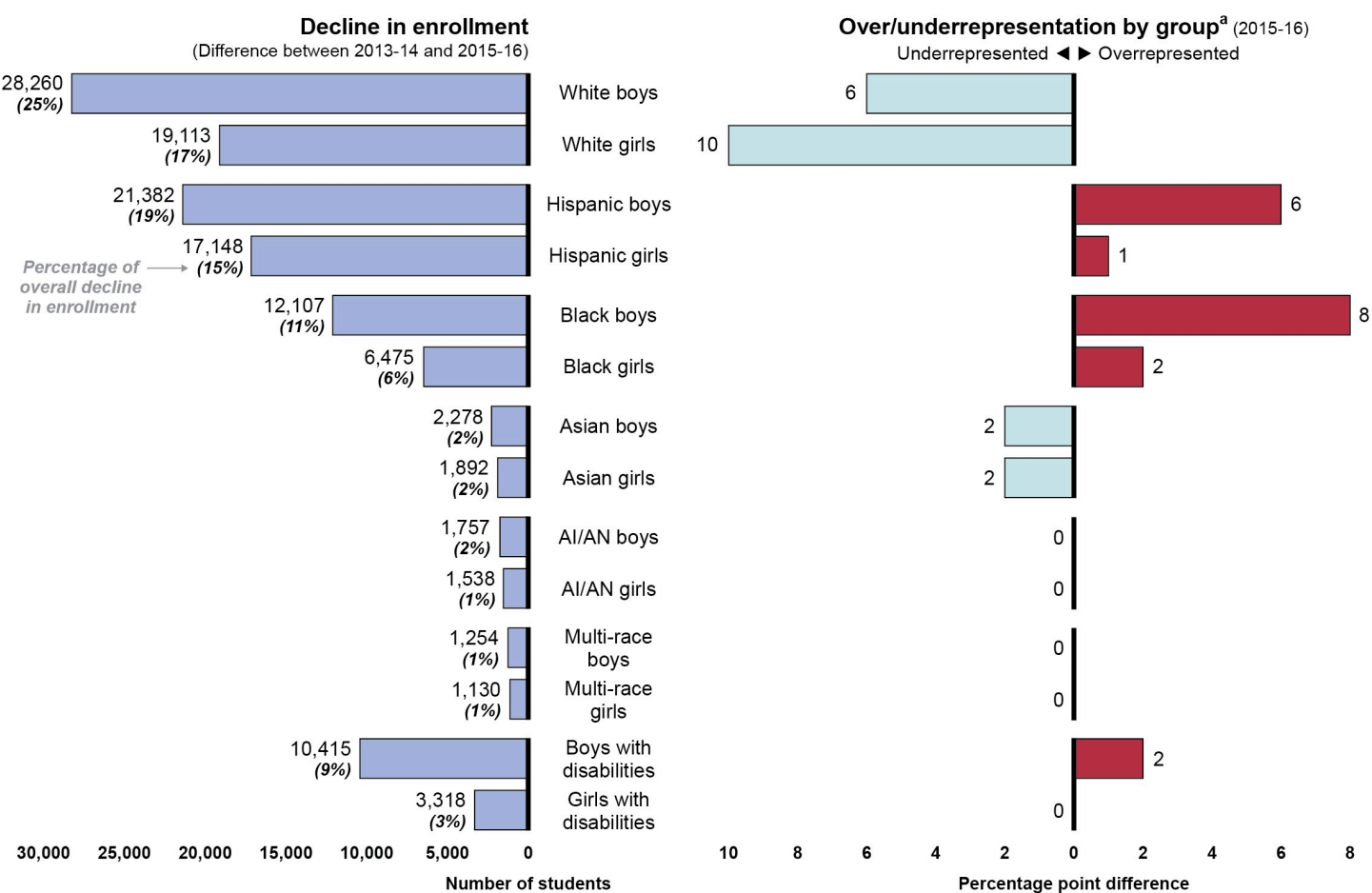
Certain Groups Are Overrepresented in Alternative Schools Compared to Nonalternative Schools

Enrollment

Enrollment at alternative schools declined by about 114,000 students, or about 25 percent, between school years 2013-14 and 2015-16, according to our analysis of Education’s most recent two school years of CRDC data (see fig. 1).¹⁹ Steep drops in White and Hispanic student enrollment accounted for about 75 percent of this change (42 and 34 percent, respectively); that is, White boys (25 percent) and girls (17 percent) accounted for 42 percent of the drop, and Hispanic boys (19 percent) and girls (15 percent) accounted for 34 percent. The decline in enrollment was less steep for Black boys and girls, at 17 percent (11 and 6 percent, respectively). Enrollment for other student groups—boys and girls who are Asian American, American Indian/ Alaska Native, and Multi-race—remained relatively constant, with each group accounting for no more than 2 percent of the decline over the same time period. These other student groups also made up a much smaller percentage of the overall enrollment at alternative schools. For boys and girls with disabilities, enrollment dropped 12 percent (9 and 3 percent, respectively).²⁰

¹⁹In contrast, enrollment in all K-12 schools increased by around 1 percent during this time.
²⁰The percent decline in enrollment of boys and girls with disabilities is calculated separately from that of other demographic groups.

Figure 1: Enrollment Declines between School Years 2013-14 and 2015-16 and Over/Underrepresentation in School Year 2015-16 at Alternative Schools Compared to Nonalternative Schools by Demographic Group



Source: GAO analysis of data from Department of Education’s Civil Rights Data Collection for school years 2013-14 and 2015-16. | GAO-19-373

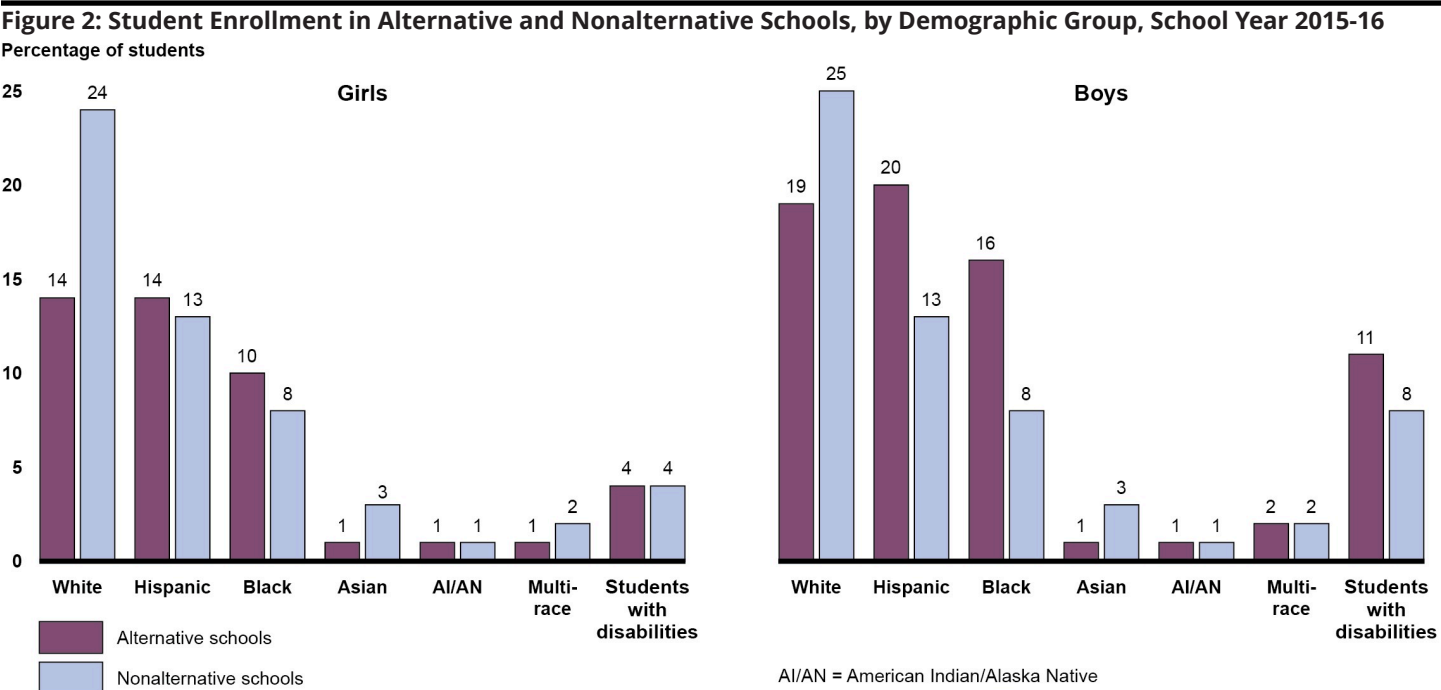
AI/AN = American Indian/Alaska Native

^aWe used the term “overrepresented” to describe instances in which a student group had a higher level of enrollment at alternative schools compared to their representation in the overall student population at nonalternative schools. We used the term “underrepresented” to describe instances in which a student group had a lower level of enrollment at alternative schools compared to their representation in the overall student population at nonalternative schools.

Note: The percent decline in enrollment of boys and girls with disabilities is calculated separately from that of other demographic groups. Our analyses of these data, taken alone, do not establish whether unlawful discrimination has occurred.

Black and Hispanic boys and girls, and boys with disabilities, were overrepresented at alternative schools in 2015-16, and White and Asian boys and girls were underrepresented, according to our analysis

of Education’s CRDC data (see fig. 1).²¹ The data also showed this for school year 2013-14. Further, these overrepresented groups also made up a larger proportion of enrollment at alternative schools than they did at nonalternative schools, according to our analysis of Education’s school year 2015-16 data (see fig. 2). For example, Black boys accounted for 8 percent of students at nonalternative schools and 16 percent of students at alternative schools. This was also true for Hispanic boys, who accounted for 13 percent of students at nonalternative schools and 20 percent of students at alternative schools. White and Asian boys and girls attended nonalternative schools in greater proportions than they did alternative schools.²²



Source: GAO analysis of data from the Department of Education’s Civil Rights Data Collection for school year 2015-16. | GAO-19-373

Note: The percent enrollment of boys and girls with disabilities is calculated separately from that of other demographic groups. Our analyses of these data, taken alone, do not establish whether unlawful discrimination has occurred.

Our analysis of these data showed similar patterns of overrepresentation for Black boys and girls, Hispanic boys, and boys with disabilities at alternative schools when compared to these

²¹ Our analyses of these data, taken alone, do not establish whether unlawful discrimination has occurred.

²² This was also the case for Multi-race girls, but not for Multi-race boys.

groups' representation at nonalternative schools, regardless of the type—regular alternative, charter alternative, and juvenile justice facility (see table 2). In juvenile justice facilities, Black boys were overrepresented by 28 percent, followed by boys with disabilities and Hispanic boys. In addition, when we analyzed these data by the focus of alternative schools—disciplinary, academic, or mixture of both—Black boys, in particular, but also boys with disabilities and Hispanic boys, were the most overrepresented in disciplinary schools. Specifically, Black boys were overrepresented by 22 percent, Hispanic boys by 8 percent, and boys with disabilities by 10 percent, as compared to these groups' representation in nonalternative schools.

Table 2: Over/Underrepresentation in Enrollment at Alternative Schools Compared to Nonalternative Schools by Demographic Group by School Type and Focus, School Year 2015-16

	Alternative school type			Alternative school focus		
Group	Regular alternative schools (%)	Charter alternative schools (%)	Juvenile justice facilities (%)	Disciplinary (%)	Academic (%)	Mixed (%)
White students	-13	-25	-21	-22	-19	-11
White boys	-5	-13	-3	-6	-9	-4
White girls	-8	-13	-18	-17	-10	-7
Hispanic students	+8	+12	-2	+3	+8	+9
Hispanic boys	+6	+7	+7	+8	+5	+7
Hispanic girls	+2	+5	-9	-5	+3	+2
Black students	+7	+17	+26	+23	+14	+4
Black boys	+6	+10	+28	+22	+9	+4
Black girls	+2	+7	-2	+1	+5	0
Asian students	-3	-4	-4	-4	-3	-3
Asian boys	-1	-2	-2	-2	-1	-1
Asian girls	-2	-2	-2	-2	-2	-2
American Indian or Alaska Native students	+1	+1	+1	0	0	+1
American Indian or Alaska Native boys	0	0	+1	+1	0	+1
American Indian or Alaska Native girls	0	0	0	0	0	0
Multi-race students	0	-1	0	0	-1	0
Multi-race boys	0	-1	+1	+1	0	0
Multi-race girls	0	0	-1	-1	0	0

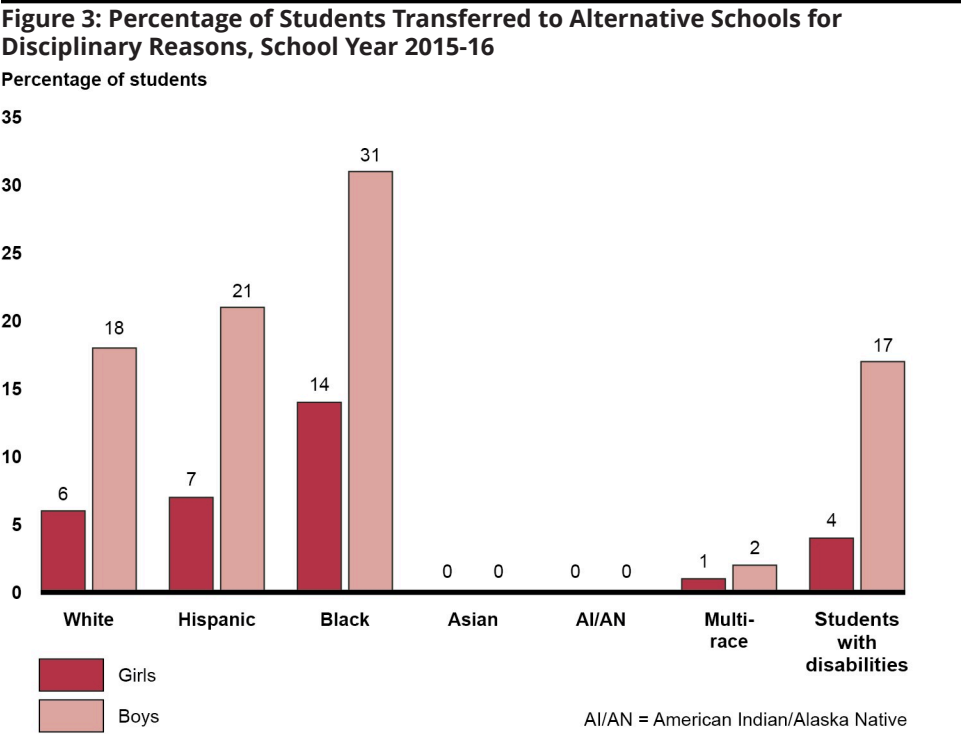
Students with disabilities	+1	+1	+13	+9	0	+1
Boys with disabilities	+1	+1	+15	+10	+1	+1
Girls with disabilities	0	+1	-2	-1	0	-1

Legend: + = overrepresented - = underrepresented.

Source: GAO analysis of data from the Department of Education's Civil Rights Data Collection for school year 2015-16. | [GAO-19-373](#)

Note: We used the term “overrepresented” to describe instances in which a student group had a higher level of enrollment at alternative schools compared to their representation in the overall student population at nonalternative schools. We used the term “underrepresented” to describe instances in which a student group had a lower level of enrollment at alternative schools compared to their representation in the overall student population at nonalternative schools. Our analyses of these data, taken alone, do not establish whether unlawful discrimination has occurred.

Further, nearly 75 percent of students who were transferred to alternative schools for disciplinary reasons in school year 2015-16 were Black or Hispanic (see fig. 3). Among boys, Black and Hispanic boys were transferred at higher rates than White and Asian boys. Among girls, Black girls (14 percent) were transferred at about twice the rates of Hispanic and White girls.



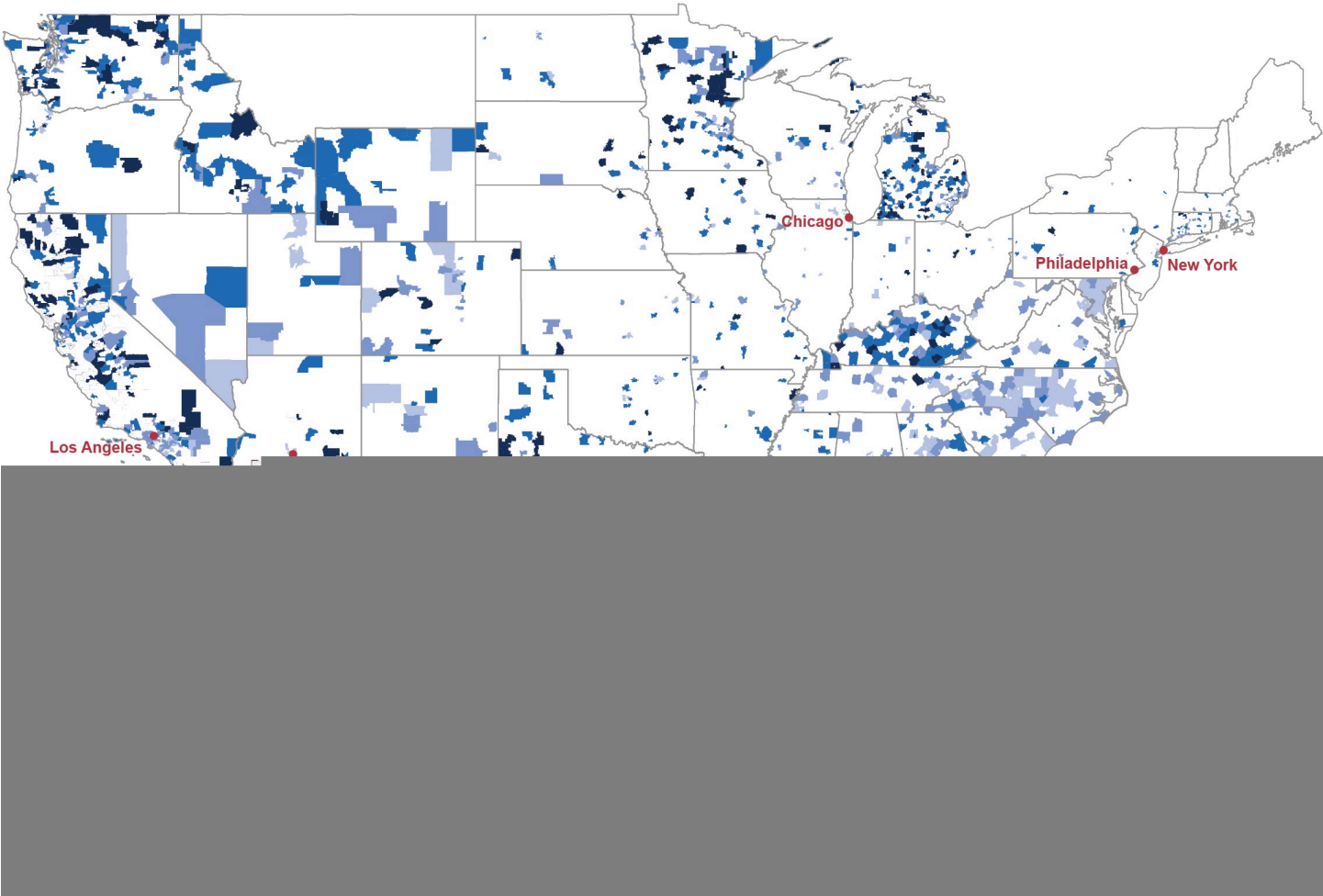
Source: GAO analysis of data from the Department of Education’s Civil Rights Data Collection for school year 2015-16. | GAO-19-373

Note: The percentage of students transferred for boys and girls with disabilities is calculated separately from that of other demographic groups. Students may be transferred to alternative schools for a disciplinary infraction, a pattern of problematic behavior, or continual academic issues, according to the Department of Education. Our analyses of these data, taken alone, do not establish whether unlawful discrimination has occurred.

We also found geographic patterns with respect to the proportion of alternative schools by district (see fig. 4). In addition, according to our analysis of Education’s school year 2015-16 data, about 28 percent of students in nonalternative schools attended schools in urban areas, compared to 43 percent of alternative school students (see appendix I for more information).²³ Education officials suggested that this may be because in smaller rural districts, there may not be sufficient numbers of students to establish and operate a separate alternative school campus.

²³For this analysis, we used the 2015-16 Common Core of Data (CCD) locale variable.

Figure 4: Percentage of Public Schools That Are Alternative by District, School Year 2015-16



Discipline

The number of students disciplined in alternative schools dropped in 2015-16 compared to 2013-14 across most types of discipline for most groups of students. However, for some groups, such as Black boys and girls, rates for all of the types of discipline we examined either declined more modestly or went up, according to our analysis of CRDC data across those two school years (see table 3).²⁴ For example,

²⁴Discipline rates also generally went up across all types of discipline for Multi-race boys and girls. We did not present or analyze data for certain types of discipline reported as having been administered to fewer than 30 students in a given group.

from 2013-14 to 2015-16, declines for out-of-school suspensions were less steep for Black boys and girls than for White and Hispanic boys and girls. In addition, school-related arrests and referrals to law enforcement increased for Black boys and girls.²⁵

As a result, this statement is based on types of discipline reported as having been administered to 30 or more students in a given group.

²⁵Both school-related arrests and referrals to law enforcement also increased for Multi-race boys and girls.

Table 3: Change and Percent Change in Number of Alternative School Students Disciplined by Demographic Group and Type of Discipline, School Years 2013-14 to 2015-16

	Type of Discipline					
	Corporal punishment	One or more in-school suspensions	One or more out-of-school suspensions	Any expulsion	School-related arrest	Referral to law enforcement
Group	Change and percent change in number of students disciplined					
All students	19 (+7)	-1,303 (-4)	-10,739 (-13)	-1,476 (-24)	+208 (+6)	-417 (-5)
White -- All	-5 (-5)	-1,244 (-12)	-2,817 (-13)	-402 (-25)	-79 (-10)	-384 (-16)
White Boys	-12 (-12)	-993 (-14)	-2,129 (-13)	-273 (-24)	-95 (-15)	-320 (-18)
White Girls	--	-251 (-9)	-688 (-11)	-129 (-31)	+16 (+8)	-64 (-10)
Hispanic -- All	--	-1,464 (-16)	-5,460 (-22)	-554 (-29)	-86 (-7)	-330 (-13)
Hispanic Boys	--	-1,169 (-18)	-4,307 (-23)	-448 (-30)	-98 (-11)	-293 (-15)
Hispanic Girls	--	-295 (-12)	-1,153 (-17)	-106 (-25)	+12 (+4)	-37 (-6)
Black -- All	+26 (+19)	+1,691 (+17)	-1,715 (-6)	-443 (-19)	+369 (+33)	+341 (+15)
Black Boys	+29 (+27)	+1,017 (+15)	-1,222 (-7)	-335 (-20)	+197 (+23)	+139 (+8)
Black Girls	--	+674 (+21)	-493 (-6)	-108 (-16)	+172 (+62)	+202 (+34)
Asian -- All	--	-146 (-40)	-396 (-35)	-12 (-18)	--	-17 (-15)
Asian Boys	--	-99 (-38)	-324 (-37)	-14 (-22)	--	-5 (-6)

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Asian Girls	--	-47 (-46)	-72 (-29)	--	--	--
American Indian or Alaska Native -- All	--	-132 (-33)	-471 (-33)	-70 (-60)	-14 (-21)	-83 (-37)
American Indian or Alaska Native Boys	--	-101 (-36)	-365 (-37)	-49 (-56)	-25 (-42)	-88 (-50)
American Indian or Alaska Native Girls	--	-31 (-26)	-106 (-25)	--	--	+5 (+10)
Multi-race -- All	--	-8 (-1)	+120 (+4)	+5 (+3)	+24 (+29)	+56 (+23)
Multi-race Boys	--	+12 (+2)	+103 (+5)	-2 (-2)	+14 (+24)	+37 (+22)
Multi-race Girls	--	-20 (-5)	+17 (+2)	+7 (+15)	+10 (+42)	+19 (+24)
Students with disabilities -- All	+15 (+17)	-1,348 (-17)	-2,922 (-15)	-87 (-8)	-104 (-10)	-288 (-13)
Students with disabilities -- Boys	+6 (+8)	-1,142 (-18)	-2,442 (-16)	-96 (-11)	-113 (-13)	-263 (-15)
Students with disabilities -- Girls	--	-206 (-12)	-480 (-12)	+9 (+5)	+9 (+5)	-25 (-6)

Legend: + = percent increase - = percent decrease

Source: GAO analysis of data from the Department of Education's Civil Rights Data Collection for school years 2013-14 and 2015-16. | [GAO-19-373](#)

Note: Numbers and percentages based on counts of fewer than 30 students are not presented in this table and instead are replaced with a "--" due to the small number of incidents. Our analyses of these data, taken alone, do not establish whether unlawful discrimination has occurred. "Any expulsion" refers to expulsions with and without educational services.

While the number of students disciplined generally dropped for boys and girls with disabilities from school year 2013-14 to 2015-16, they were overrepresented in alternative schools across most forms of discipline in 2015-16, compared to their enrollment at alternative schools.²⁶

Lower Percentages of Alternative Schools Compared to Nonalternative Schools Reported Having Most Types of Support Staff

Compared to nonalternative schools in 2015-16, a lower percentage of alternative schools had social workers, nurses, and counselors—support staff who serve different roles in addressing the health, behavioral, and emotional needs of students (see table 4).²⁷

²⁶While both boys and girls with disabilities were overrepresented in discipline in 2015-16, the overrepresentation was lower for the girls. For example, in 2015-16, boys with disabilities were overrepresented by 10 percent in their referrals to law enforcement, compared to their enrollment at alternative schools, while girls with disabilities were overrepresented by 2 percent for the same form of discipline.

²⁷Our analysis was limited to counselors and the support services staff—social workers, nurses, and psychologists—for which data are collected by the CRDC. Schools were included for a given type of support staff if the number of Full-Time Equivalents (FTE) for that type of staff was greater than zero at that school.

Table 4: Percentage of Nonalternative and Alternative Schools with Specific Types of Support Staff, School Year 2015-16

Type of school	Percentage of schools with any social workers	Percentage of schools with any nurses	Percentage of schools with any psychologists	Percentage of schools with any counselors
Nonalternative	47	67	13	74
Alternative	26	28	18	51

Source: GAO analysis of data from the Department of Education’s Civil Rights Data Collection for school year 2015-16 | [GAO-19-373](#)

Note: Schools were included for a given type of support staff if the number of Full-Time Equivalents (FTE) for that type of staff was greater than zero at that school. Support staff serve different roles in addressing the health, behavioral, and emotional needs of students. Note that levels for each type of support staff are calculated separately, and schools may have more than one type of support staff. We did not include juvenile justice facilities in this analysis because the Civil Rights Data Collection data for justice facilities represent only support staff who serve students who are in the educational program offered at the facility; therefore, it may not capture all support staff who work at the facility.

For example, nearly one-half of nonalternative schools had at least one social worker, compared to about one-quarter of alternative schools, according to our analysis of Education’s data for school year 2015-16.²⁸

The largest differences between alternative and nonalternative schools were in the proportion of schools with nurses and counselors. A higher percentage of alternative schools than nonalternative schools had psychologists, another type of support staff, in 2015-16. (See table 5 for staff definitions.) Education officials suggested that school and district size, among other factors, may have an effect on staffing levels.

²⁸ We did not include juvenile justice facilities in this calculation because the CRDC data for justice facilities represent only support staff serving students who are in the educational program offered at the facility; therefore, the data may not capture all support staff who work at the facility.

Table 5: Definitions of Support Staff

Staff type	Definition
Social worker	Provides social services and assistance to improve the social and psychological functioning of children and their families and to maximize the family well-being and the academic functioning of the children.
Nurse	A qualified health care professional who addresses the health needs of students.
Psychologist	Evaluates and analyzes students' behavior by measuring and interpreting their intellectual, emotional, and social development, and diagnosing their educational and personal problems.
Counselor	A professional staff member assigned specific duties and school time for any of the following activities: counseling with students and parents, consulting with other staff members on learning problems, evaluating student abilities, assisting students in making education and career choices, assisting students in personal and social development, providing referral assistance, and/or working with other staff members in planning and conducting guidance programs for students.

Source: U.S. Department of Education's Civil Rights Data Collection, 2015-16 | [GAO-19-373](#)

Across different types of alternative schools, charter alternative schools had lower rates of support staff compared to regular alternative schools, especially for social workers, nurses, and counselors. For example, 10 percent of charter alternative schools reported having one or more nurses, compared to 30 percent of regular alternative schools.

During our site visits, officials in every school district described the multiple types of trauma that students experienced—such as gang violence that affected students in and outside of school, the death of schoolmates or parents, poverty, or homelessness. District and school officials described the challenges they faced in providing the staff necessary to support their students, and various strategies they used to meet student needs. For example:

- Officials in one district that provides services to a largely Black male student population at juvenile justice facilities said most students have experienced trauma and many face mental health issues, such as mood disorders. These officials also said that in this district, almost 95 percent of girls in these facilities have been victimized in some way, including sexually. To address these issues, the district is providing professional development around being trauma-informed. District officials noted that due

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to budgetary issues, it took around 8 to 10 months to hire the required support staff to help address students' needs.

- In an urban school district whose alternative school population is primarily Black and Hispanic, district officials told us that there has been an increased need to address trauma experienced by students. Staff at a number of the district's alternative schools received trauma-informed professional development, and some schools located in areas with gang activity have a restorative justice practice coach on site twice a week to work with teachers and staff.²⁹ District officials reported that efforts are made to ensure students are placed in an environment that is conducive to their safety and learning and indicated that attendance is impacted by complex situations including physical and mental health problems, substance abuse, pre-existing trauma, and lack of transportation, among other things.
- At an alternative high school that predominantly serves White and Hispanic students who are at risk academically, officials told us that a large proportion of students had experienced the death of a parent or had some other trauma during middle school. In addition, an estimated 17 percent of students had attempted suicide in the past year. We spoke with one student whose brother died in a car accident moments after letting her out of the car. To help their current support staff meet their students' academic, social, and emotional needs, the school also relies on two interns who are studying to become licensed social workers.
- In one school serving English language learners, many of whom are refugees, school officials told us that some students have post-traumatic stress disorder from the war and violence they witnessed in their home countries. Further, some students arrived in the country unaccompanied and do not have parents in the United States. School officials told us that when the school opened around 15 years ago, the school arranged to have its own dedicated social worker to support the students emotionally to help their learning.
- At a rural school that accepts suspended and expelled students and serves a largely low-income White population, school officials told us that their students are dealing with many issues in their

²⁹ Restorative justice practice focuses on repairing harm done to relationships and people. The aim is to teach students empathy and problem-solving skills that can help prevent inappropriate behavior in the future.

lives that can take an emotional toll, such as drugs, foster care, physical abuse, and sexual abuse. In addition, their students come from families that are experiencing high unemployment. District officials told us that they had recently hired a crisis intervention specialist for the district because they had seen a “giant jump” in the number of students experiencing trauma. District officials further noted that the district would like to hire a counselor to help support alternative school students, but they do not have the resources. District officials also told us that due to budget cuts, they lacked resources to help support students as they transitioned back to their home school, which can be a challenging process.

- At an academically focused alternative school that serves mainly low income Black boys and girls, school officials noted that most of the students have social and emotional issues related to foster care, homelessness, or trauma. Officials told us that the school employs one social worker and one family counselor to help address these issues. According to school officials, the school needs an additional social worker and family counselor to fully address students’ needs.

Using Flexibility Afforded Them, Selected School Districts Differed in How They Reported Data on Alternative Schools to Education

Often citing a highly transitory student population, selected school district and school officials we interviewed said that they used the flexibilities Education affords them to determine how to report discipline incidents when students attend more than one school over the course of a school year. Specifically, for purposes of the CRDC, Education asks schools to take a count of students, or a snapshot, on or around October 1. At the end of the school year, Education also requires a count of all students disciplined, by type of discipline, for the entire year. To ensure all required data are reported for each student, and to prevent duplicative reporting, Education officials said they allow districts to assign those cumulative data to a “home school,” which can be a student’s alternative school or the school that referred the student to the alternative school. Selected school districts we visited made different choices in assigning a home school for reporting purposes. For example:

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- In one large urban school district, officials said they assign discipline data for students to the school where the infractions took place. In this district, one privately run discipline-focused alternative school that we visited had the capacity to serve up to 100 students at a time. Officials said students typically stay in this school between one and two semesters. They told us discipline data reported for this school only reflect incidents that occurred at this school.
- In a large school district with 14 alternative schools, district officials said that a student's disciplinary incidents are reported wherever the student was enrolled around October 1. We visited a disciplinary school where officials said they have a highly mobile student body. They said that last year they served 1,156 students over the course of the year, although they served only about 200 students at any one time. They said students commonly stay for 30 days, but some stay for the remainder of their time in high school. Thus, discipline data reported for this school do not capture discipline for students transferring in after the October fall snapshot date.³⁰
- A senior official in another large school district we visited said they do not generally assign student discipline data to those alternative schools that are considered temporary placements; instead, all discipline is assigned to the student's permanent school, which they consider the home school. For example, at one school for suspended students in grades 7 through 12, they may be placed for 1 to 10 days as an alternative to suspension. Upon completing their stay, students return back to their home schools. This school does not capture discipline for these students.
- In the same school district, alternative schools that serve students more long term, such as those with an academic focus, are not considered temporary placements. Discipline data for these schools, according to a senior school district official, are reported based on where a student was enrolled at the end of the school year, even if the infractions occurred at another school where the student was previously enrolled.
- According to school district officials from another district, the district's juvenile justice facilities, which can incarcerate students

³⁰School district officials told us that, beginning with the 2017-18 school year, they plan to assign all discipline data for students to the school where the infractions took place.

for longer periods, are considered the home school for purposes of reporting cumulative discipline data for students. Therefore, discipline incidents that occurred at these facilities would be reflected in the data.

In addition to differences in how the selected districts reflected incidents of discipline, we also found differences in how they reported the number of alternative schools. For example, one large urban school district we visited hired a private firm to run an academic alternative school that had three separate campuses, which were reported in the CRDC as one alternative school. According to school district officials, the data reported for these campuses were aggregated because they shared the same identification number for federal reporting purposes.³¹ School district officials said they are working with their state educational agency to reduce the number of schools that share the same identification number. In another school district, an academic alternative school we visited had four separate campuses, but reported one alternative school in the CRDC. School district officials said these campuses will continue to be reported as one alternative school in the 2017-18 CRDC because they operate and report as one entity. Further, school district officials said another alternative school focused on discipline that shared a facility with a nonalternative elementary school was not separately reported in the CRDC. According to district officials, they plan to separately report on this alternative school going forward, beginning with the 2017-18 CRDC.

³¹The National Center for Education Statistics (NCES) is the primary federal entity for collecting and analyzing data related to education. Public schools, public school districts, and many private schools can be assigned NCES identification numbers. Each identification number consists of a set of numbers that identify the state, the school district, and the individual school building, respectively. For a public school to be reported in the 2015-16 CRDC, Education requires each school to have a unique NCES ID.

Agency Comments and Our Evaluation

We provided a draft of this report to the Departments of Education (Education) and Justice (Justice) for review and comment. Education provided written comments that are reproduced in appendix III. Education and Justice provided technical comments, which we incorporated as appropriate.

In its written comments, Education detailed what it considered to be limitations with the report's methodology and conclusions. Specifically, Education said the effects of the demographic variables we used in our analysis—race/ethnicity, sex, and disability—to describe the population of students in alternative schools, are most likely not as powerful as other variables such as socioeconomic status, exposure to trauma and violence, and family and neighborhood characteristics. Education stated that looking at any one factor in the absence of others would likely lead to erroneous results, and could confuse readers about whether race/ethnicity is the cause of the disproportionality or is simply correlated with other causal factors.

We agree that factors correlated with an event do not necessarily cause that event. While limitations exist with any methodology, we believe the limitations related to causality that Education raised are misplaced; we do not imply causation for disproportionality observed within the data we analyzed or make inferences about disproportionality. Our descriptive analyses of these data are consistent with our goal of describing the condition by race/ethnicity, sex, and disability status. Our results showing overrepresentation of certain groups in enrollment and disproportionate discipline are associational and do not imply a causal relationship. While we make no conclusions about our findings, the findings themselves factually describe the enrollment and disciplinary patterns from that data. The approach we took to determining disproportionality is a commonly used, credible method in the literature we reviewed. Education similarly makes descriptive analyses of these data by race/ethnicity, sex and disability publicly available on its website in various publications.³² For example, Education found that in school-year 2015-16, Black boys and girls made up 15 percent of student

³²See, for example, Department of Education Office for Civil Rights, 2015-16 Civil Rights Data Collection: School Climate and Safety (Washington, D.C.: 2018 (revised May 2019)). See <https://www2.ed.gov/about/offices/list/ocr/docs/school-climate-and-safety.pdf>.

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enrollment and 31 percent of students referred to law enforcement or arrested.³³

Education’s Civil Rights Data Collection (CRDC) does not collect data on the variables that the agency proposed that GAO analyze, such as exposure to trauma or violence. Therefore, CRDC data do not allow us to examine the factors Education asserts are likely predictive of enrollment and discipline patterns found in their data. In the background of the report, we provide information from studies that met our standards for methodological rigor and that help explain disproportionate discipline, such as implicit bias and poverty. Nevertheless, to reduce any potential confusion about the descriptive approach to reporting data from the CRDC, we have added additional clarification about our analyses.

Education also noted that the definitions of alternative schools and alternative learning environments vary widely across states, and encouraged us to carefully review and consider this variability, as it raises issues with the report’s methodology and conclusions. We disagree. While there may be definitional differences across states, as Education notes, we used the definition that Education instructs school districts to use as they complete the CRDC to indicate whether or not their school is an alternative school. Further, because juvenile justice facilities also address the educational needs of students that cannot be met in a regular school setting, we included in our study all juvenile justice facilities that are reported in the CRDC, whether or not they were specifically identified as alternative schools.³⁴ Moreover, as discussed in the report and shown in Table 2, the CRDC data showed similar patterns of overrepresentation at alternative schools for Black boys and girls, Hispanic boys, and boys with disabilities, regardless of the type of school—regular alternative, charter, and juvenile justice facility.

Finally, Education suggested that part of our analysis is based on data reported for seven out of nearly 15,000 school districts. As stated in the draft report on which Education commented, our main analysis relied on data that nearly all school districts reported in the CRDC. Another objective of our study was to determine "the ways selected school districts report data on alternative schools for federal

³³Department of Education Office for Civil Rights, 2015-16 Civil Rights Data Collection: School Climate and Safety (Washington, D.C.: 2018 (revised May 2019)), p. 3. See <https://www2.ed.gov/about/offices/list/ocr/docs/school-climate-and-safety.pdf>.

³⁴See appendix I for additional information on how we defined alternative schools.

oversight.” For this objective, we visited seven school districts to provide, among other things, illustrative examples of the ways in which districts report data to the CRDC. In the draft report Education reviewed, we clearly state that these examples are not generalizable to all states and school districts.

As agreed with your office, unless you publicly announce the contents of this report earlier, we plan no further distribution until 30 days from the report date. At that time, we will send copies of this report to the appropriate congressional committees, the Secretary of Education, and the Attorney General. In addition, the report will be available at no charge on the GAO website at <http://www.gao.gov>.

If you or your staff have any questions about this report, please contact me at (617) 788-0580 or nowickij@gao.gov. Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report. GAO staff who made key contributions to this report are listed in appendix IV.

Sincerely yours,



Jacqueline M. Nowicki, Director

Education, Workforce, and Income Security Issues

Congressional Addressees

Addressees

Robert C. "Bobby" Scott
Chairman
Committee on Education and Labor
House of Representatives

Appendixes

Appendix I: Objectives, Scope, and Methodology

The objectives of this report were to examine what is known about (1) enrollment, discipline, and support staff in alternative schools, and (2) the ways selected school districts report data on alternative schools for federal oversight. To conduct this work we analyzed and compared federal civil rights data on public alternative and nonalternative schools; visited seven school districts in three states to provide illustrative examples of alternative schools and their students, and the ways in which school districts report data used for federal oversight; interviewed federal agency officials; reviewed agency documentation; and reviewed federal laws and regulations. To inform all of our work, we interviewed representatives of several nonprofit organizations that examine laws and policies related to alternative schools. We also met with subject matter experts to discuss issues related to alternative education and disparities in enrollment and discipline. The following sections contain detailed information about the scope and methodology for this report.

Analysis of National Data on Alternative Schools

To determine what is known about enrollment, discipline, and support staff in alternative schools, we analyzed the U.S. Department of Education's (Education) Civil Rights Data Collection (CRDC) for school year 2015-16 (the most recent) and in some instances school year 2013-14 (the previous collection) to discern any changes that may have occurred in enrollment and discipline between the two most recent periods. We analyzed the public-use data file of the CRDC that was publicly available as of September 2018. The CRDC is a biennial survey that Education requires nearly every public school and district in the United States to complete; specifically, territorial schools (except for Puerto Rico, commencing for the 2017-18 CRDC collection), Department of Defense schools, and tribal schools are not part of the CRDC. Conducted by Education's Office for Civil Rights (OCR), the survey collects data on the nation's public schools (pre-K through grade 12), including disciplinary actions, enrollment, school and student characteristics, and types of school staff.

To analyze these data, we used OCR's 2015-16 CRDC definition of an alternative school: "[A] public elementary or secondary school that addresses the needs of students that typically cannot be met in a regular school program. The school provides nontraditional education; serves as an adjunct to a regular school; and falls outside of the categories of regular education, special education, or vocational

education."³⁵ CRDC data are self-reported by districts and certified by the Superintendent or his/her authorized designee; consequently, there is still potential for misreporting of information. Alternative schools can be of various types—regular alternative schools and charter alternative schools. Further, because juvenile justice facilities also address the educational needs of students that cannot be met in a regular school setting, we included in our study all juvenile justice facilities that are reported in the CRDC, regardless of whether they were identified as alternative schools.³⁶ We eliminated magnet schools and special education schools that had classified themselves as alternative schools, as they do not meet the definition of an alternative school. For many of our analyses, we compared students at alternative schools with students at nonalternative schools.³⁷

For our analysis of alternative school enrollment and discipline, we analyzed key student demographics, such as race, sex, and disability status. There are various credible methodologies than can be used to analyze this type of data, and it is possible that different methods may produce different results. We used the composition index method—one of the more common methods used to calculate under- and overrepresentation—which compares each student group's representation at alternative schools to their representation at

³⁵See CRDC's 2015-16 School Form: <https://www2.ed.gov/about/offices/list/ocr/docs/crdc-2015-16-all-schools-form.pdf>.

³⁶According to Education, schools are identified in the CRDC as a juvenile justice facility based on the Common Core of Data (CCD) directory information. To prepare respondents for the CRDC, OCR obtains from the National Center for Education Statistics, a list of schools and school districts used for the CCD. The list includes some juvenile justice facilities that have participated in the CCD in the past. For the 2013-14 school year data, Education's Office for Civil Rights augmented the CRDC universe with juvenile justice facilities, which may not be under the purview of the state educational agency or a school district, based on a list provided by Department of Justice's Office of Juvenile Justice and Delinquency Prevention (OJJDP). Education officials told us that by cross-referencing the OJJDP provided list, OCR is able to add justice facilities which may not have been otherwise included in the CCD to ensure coverage of all youth in pre- or post-adjudication facilities that receive educational services. The CRDC does not include a question for a school district to classify a school as a juvenile justice facility or not. They are already designated as such. However, according to Education officials, school districts may notify OCR of a discrepancy in the type of school designation so that OCR can engage in a process to correct the information.

³⁷ We defined nonalternative schools as any schools in the CRDC, including special education schools, that didn't fall under our definition of alternative schools.

nonalternative schools to determine whether there are disparities. For example, using this method, if boys accounted for 50 percent of all nonalternative school students, but represented 75 percent of students at alternative schools, then boys would be overrepresented among alternative school students by 25 percentage points. Other researchers may choose to use other analytical techniques. For example, one alternate method focuses on the risk of a specific group falling into a category such as receiving a certain type of discipline, versus the risk of all other students falling into that category. We also compared the percentage that various groups represented among students transferred to disciplinary schools. Results of our descriptive analyses are associational and do not imply a causal relationship because, for example, the CRDC does not collect data on factors that may cause differences in student composition or school assignment, and CRDC data were not gathered by a randomized controlled trial, where students would be randomized to attend schools with certain characteristics. Our analyses of these data, taken alone, do not establish whether unlawful discrimination has occurred.

The 2013-14 and 2015-16 CRDC collected data on six broad types of disciplinary actions: (1) corporal punishment, (2) in-school suspensions, (3) out-of-school suspensions, (4) expulsions, (5) referrals to law enforcement, and (6) school-related arrests. The CRDC did not collect data on less severe forms of discipline, such as detentions, or removing privileges to engage in extracurricular activities, such as athletic teams or field trips. We used the following CRDC variables for the disciplinary actions we examined (see table 6).³⁸

³⁸The CRDC also collected data on expulsions under zero-tolerance policies; however, these data overlap with data on students expelled with or without educational services. Consequently, we do not report specific data on students expelled under zero-tolerance policies.

Table 6: Disciplinary Actions Used in Analysis of the Civil Rights Data Collection (CRDC)

GAO category	CRDC category and definition
Corporal punishment	Corporal punishment Definition: paddling, spanking, or other forms of physical punishment imposed on a child.
In-school suspensions	One or more in-school suspensions Definition: An instance in which a child is temporarily removed from his or her regular classroom(s) for at least half a day for disciplinary purposes, but remains under the direct supervision of school personnel.
Out-of-school suspensions	One or more out-of-school suspensions Definition: Temporarily removing a child from his or her regular school for at least half a day for disciplinary purposes.
Any expulsion	Expulsion with Educational Services, Expulsion without Educational Services Definition: Expulsion with educational services refers to an action taken by the local educational agency of removing a child from his/her regular school for disciplinary purposes, and providing educational services to the child (e.g., school-provided at home instruction or tutoring; transfer to an alternative school) for the remainder of the school year (or longer) in accordance with local educational agency policy. Expulsion with educational services also includes removals resulting from violations of the Gun Free Schools Act that are modified to less than 365 days. Expulsion without educational services refers to an action taken by the local educational agency of removing a child from his/her regular school for disciplinary purposes, and not providing educational services to the child for the remainder of the school year or longer in accordance with local educational agency policy. Expulsion without services also includes removals resulting from violations of the Gun Free Schools Act that are modified to less than 365 days.
Referrals to law enforcement	Referral to a law enforcement agency or official Definition: An action by which a student is reported to any law enforcement agency or official, including a school police unit, for an incident that occurs on school grounds, during school-related events, or while taking school transportation, regardless of whether official action is taken.
School-related arrest	School-related arrest Definition: an arrest of a student for any activity conducted on school grounds, during off-campus school activities (including while taking school transportation), or due to a referral by any school official.

Source: GAO analysis of the Department of Education's Civil Rights Data Collection. | [GAO-19-373](#)

For alternative school enrollment and for each of the six discipline categories in our review, we examined discipline counts and rates both overall and disaggregated by student demographic

characteristics, such as student sex (boy or girl), race or ethnicity (see table 7), and disability status (students with and without disabilities).³⁹ We also examined race and sex intersectionally, for example, disciplinary rates for White boys or Hispanic girls. We examined disability status and sex intersectionally, but not disability status and race.

³⁹Our analysis of students with disabilities included only those students served under the Individuals with Disabilities Education Act. We excluded students served only under Section 504 of the Rehabilitation Act of 1973 from our analysis of discipline for students with disabilities because the CRDC does not collect data on these students disaggregated by race or ethnicity.

Table 7: Race and Ethnicity Variables Used in Analysis of the Civil Rights Data Collection (CRDC)

GAO category	CRDC category
White	White
Hispanic	Hispanic or Latino of any race
Black	Black or African American
Asian	Asian
	Native Hawaiian or Other Pacific Islander
American Indian or Alaska Native	American Indian or Alaska Native
Multi-race	Two or more races

Source: GAO analysis of the Department of Education's Civil Rights Data Collection. | [GAO-19-373](#)

In addition to analyzing data on enrollment and discipline, we also analyzed CRDC data on school staff. Specifically, we analyzed data on the proportions of alternative schools that had at least one support professional—counselors, psychologists, nurses, and social workers, and compared that to the proportion of nonalternative schools with such staff. For alternative schools, we also analyzed levels of these support staff by school type, including regular alternative schools and charter alternative schools. We did not analyze these staff at juvenile justice facilities because the CRDC data for justice facilities represent only support staff who serve students who are in the educational program offered at the facility; therefore, these data may not capture all support staff who work at the facility.

We analyzed enrollment, discipline, and staff by type of alternative school a student attended—regular alternative school, charter alternative school, and juvenile justice facility (see table 8).

Table 8: Types of Alternative Schools

Type of alternative school	Definition	Number in our dataset			
		Schools		Students	
		2013-14	2015-16	2013-14	2015-16
Regular alternative	Schools for which “alternative” was selected in the CRDC and which are not charter alternative schools, magnet schools, special education schools, or juvenile justice facilities.	3,744	2,745	368,883	287,050
Charter alternative	Schools for which both “alternative” and “charter” were selected in the CRDC and which are not juvenile justice facilities.	283	216	73,828	51,078
Juvenile justice facility	A public or private facility that confines pre-adjudicated/pre-convicted individuals, post-adjudicated/post-convicted individuals, or both. For the purposes of the CRDC, only individuals up to 21 years of age who are confined in justice facilities are of interest.	620	596	40,270	30,519

Source: GAO analysis of data from the Department of Education's Civil Rights Data Collection (CRDC) for school years 2013-14 and 2015-16. | [GAO-19-373](#)

We also conducted analyses by alternative school focus—academic, disciplinary, and mixture of both academic and disciplinary (see table 9).

Table 9: Alternative Schools by Focus

Alternative school focus	Definition	Number in our dataset			
		Schools		Students	
		2013-14	2015-16	2013-14	2015-16
Academic	An alternative school designed to meet the needs of students with academic difficulties.	1,390	1,142	186,843	149,830
Disciplinary	An alternative school designed to meet the needs of students with discipline problems.	1,060	878	54,326	45,955
Mixed	An alternative school designed to meet the needs of students with academic difficulties and discipline problems.	2,197	1,537	241,812	172,862

Source: GAO analysis of data from the Department of Education's Civil Rights Data Collection for school years 2013-14 and 2015-16. | [GAO-19-373](#)

In addition, to analyze alternative school enrollment by locale, we used the 2015-16 Common Core of Data (CCD) locale variable. The CCD is administered by Education's National Center for Education Statistics, and annually collects nonfiscal data about all public schools in the nation. The locale variable in the CCD is primarily based on a school's location relative to populous areas. To do this, we matched schools in the CRDC for school year 2015-16 to schools in the CCD for school year 2015-16, and excluded schools for which there was not a match. The locale variable is divided into four main types: city, suburb, town, and rural. For the purposes of our analyses, we combined the town and rural variables into one town/rural variable because they are defined similarly (see table 10). We attempted to use the free and reduced-price lunch variable from the CCD as a proxy for school poverty. However, because this variable was missing from a large number of alternative schools, we were unable to conduct this analysis.

Table 10: Locale Variables Used from the Common Core of Data (CCD)

GAO category	Locale variable from CCD	Category definition
Urban	City, Large City, Midsize City, Small	Territory inside an urbanized area and inside a principal city
Suburban	Suburb, Large Suburb, Midsize Suburb, Small	Territory outside a principal city and inside an urbanized area
Town/Rural	Town, Fringe Town, Distant Town, Remote	Territory inside an urban cluster
	Rural, Fringe Rural, Distant Rural, Remote	Census-defined rural territory

Source: GAO analysis of the Department of Education's Common Core of Data (CCD) for school year 2015-16. | [GAO-19-373](#)

Note: The locale variable is primarily based on a school's location relative to populous areas.

We determined that the data we used from the CRDC and CCD were sufficiently reliable for the purposes of this report by reviewing technical documentation, conducting electronic testing, and interviewing officials from Education's OCR and National Center for Education Statistics. Past releases of the CRDC have subsequently been updated by Education to correct errors and omissions in the data.

School District Site Visits

To provide illustrative examples of what is known about the ways selected school districts report data on alternative schools for federal oversight and to supplement the data we analyzed on enrollment, discipline, and support staff in alternative schools, we visited school districts and alternative schools in three states—Florida, Illinois, and Texas. To select these states, we considered a mix of states with high levels and proportions of public alternative schools based on CRDC data, geographic dispersion, and the number of alternative schools under contract by what we believe to be some of the largest private entities based on publicly available data for each state. The CRDC

does not indicate whether an alternative school is run by a private entity. We reviewed publicly available data to determine if the school district contracted with a private entity.

To identify the alternative schools we visited, we considered CRDC data variables regarding the type (regular alternative, charter alternative, juvenile justice facility) and number of students enrolled in each alternative school, as well as the focus each school serves (academic, disciplinary, or a mixture of both) to identify schools of varying types and focuses. We also considered whether or not the alternative school was publicly or privately run on behalf of a school district, including charter schools. Within each state, we visited at least two school districts and up to four alternative schools in each district.

Although the results of these site visits are not generalizable to all states or school districts, they provide illustrative examples of the ways different states and school districts report data on alternative schools to Education.

We conducted this performance audit from April 2018 to June 2019 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Appendix II: Additional Data Tables

This appendix contains tables that show data based on analyses we conducted using the Department of Education’s Civil Rights Data Collection (CRDC) for school years 2013-14 and 2015-16. The following tables are included in this appendix:

- Table 11: Enrollment at Alternative Schools and Percent Change in Enrollment by State, School Years 2013-14 to 2015-16
- Table 12: Top 100 Districts Based on Alternative School Enrollment, School Year 2015-16

Table 11: Enrollment at Alternative Schools and Percent Change in Enrollment by State, School Years 2013-14 to 2015-16

State	Enrollment, school year 2013-14	Enrollment, school year 2015-16	Percent change	Total enrollment for alternative and nonalternative schools, school year 2015-16
TOTAL	482,981	368,647	-24%	50,574,476
AK	7,610	1,761	-77%	132,342
AL	5,118	1,403	-73%	746,839
AR	1,575	1,767	12%	485,821
AZ	21,281	13,644	-36%	1,134,663
CA	127,682	80,390	-37%	6,282,366
CO	16,083	14,643	-9%	901,978
CT	2,442	1,401	-43%	537,516
DC	2,522	2,123	-16%	82,585
DE	1,748	1,219	-30%	139,175
FL	43,116	43,422	1%	2,784,084
GA	13,354	8,631	-35%	1,769,640
HI	648	77	-88%	182,913
IA	3,136	2,611	-17%	503,130
ID	9,554	7,693	-19%	297,049
IL	12,403	13,945	12%	2,032,308
IN	2,092	3,578	71%	1,034,752
KS	2,753	1,649	-40%	492,837
KY	8,178	7,730	-5%	689,683
LA	2,281	3,750	64%	723,781
MA	2,266	1,994	-12%	954,716
MD	4,419	2,897	-34%	895,281

ME	198	43	-78%	178,460
MI	33,761	31,567	-6%	1,550,246
MN	14,006	8,523	-39%	883,191
MO	5,632	4,523	-20%	932,436
MS	1,842	3,802	106%	492,340
MT	126	50	-60%	148,318
NC	5,157	5,194	1%	1,554,493
ND	591	647	9%	111,077
NE	1,622	1,385	-15%	318,350
NH	30	80	167%	183,397
NJ	1,672	1,574	-6%	1,373,188
NM	4,406	3,931	-11%	340,244
NV	3,382	1,522	-55%	471,356
NY	5,801	3,728	-36%	2,731,958
OH	2,722	3,097	14%	1,760,243
OK	2,575	1,992	-23%	697,577
OR	6,059	3,739	-38%	575,015
PA	3,930	1,033	-74%	1,728,394
RI	1,495	74	-95%	141,895
SC	2,394	1,914	-20%	767,540
SD	1,520	1,026	-33%	137,870
TN	5,081	4,532	-11%	1,000,786
TX	41,650	32,186	-23%	5,312,904
UT	5,456	3,049	-44%	665,998
VA	7,204	6,047	-16%	1,287,082

VT	169	0	-100%	83,429
WA	24,934	20,380	-18%	1,097,426
WI	7,015	5,141	-27%	870,953
WV	1,240	595	-52%	279,536
WY	1,050	945	-10%	95,315

Source: GAO analysis of data from the Department of Education's Civil Rights Data Collection for school years 2013-14 and 2015-16 | [GAO-19-373](#)

Table 12: Top 100 Districts Based on Alternative School Enrollment, School Year 2015-16

District	State	Alternative school enrollment	Percentage of alternative school enrollment (%)							Total enrollment (alternative and non-alternative schools)
			Black	Hispanic	White	Asian	AI/AN	Multi-race	Students with disabilities	
City of Chicago SD 299	IL	8,978	68	29	2	0	0	1	19	392,303
Broward	FL	7,518	66	20	11	1	0	2	15	269,502
Los Angeles Unified	CA	5,368	11	80	4	2	0	1	10	539,634
Arlington ISD	TX	4,451	22	55	15	5	1	3	7	63,405
Falcon School District No. 49 in the County of El Paso	CO	4,279	4	49	42	1	1	3	3	20,588
Orange	FL	3,641	49	34	13	2	0	2	17	196,987
Dade	FL	3,640	52	43	4	0	0	0	12	358,179
Duval	FL	3,326	68	8	20	1	0	3	18	129,003
Joint School District No. 2	ID	3,208	2	8	84	2	0	4	11	37,659
Jefferson County	KY	3,048	41	12	42	2	0	3	21	101,018
School District No. 1 in the County of Denver and State of Colorado	CO	3,036	20	66	9	1	1	2	14	90,482
Pinellas	FL	2,985	42	15	37	1	0	4	20	102,893
Orange County Department of Education	CA	2,983	2	75	17	3	1	3	10	3,393
Hillsborough	FL	2,745	42	35	19	1	1	3	20	211,731
Polk	FL	2,344	31	27	37	1	1	3	15	101,468
Palm Beach	FL	2,306	58	28	11	1	1	2	19	188,590
Merced Union High	CA	2,300	3	74	18	4	1	1	13	10,272

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Portable Practical Educational Preparation Inc.	AZ	2,125	11	16	63	2	7	0	11	7,235
El Paso ISD	TX	2,102	9	80	8	1	0	2	3	61,762
Battle Ground School District	WA	1,971	1	5	88	2	0	5	3	13,654
Lee	FL	1,951	25	36	35	1	1	2	19	91,363
Corinth School District	MS	1,934	31	8	61	1	0	0	13	2,717
Hobbs Municipal Schools	NM	1,878	5	67	27	1	0	0	9	9,956
District of Columbia Public Schools	DC	1,857	91	8	1	0	0	0	11	48,775
San Diego County Office of Education	CA	1,718	13	74	7	2	1	3	17	1,918
Berrien Springs Public Schools	MI	1,651	9	10	72	1	2	6	0	3,107
Antelope Valley Union High School District	CA	1,501	27	62	7	1	1	3	7	23,834
San Joaquin County Office of Education	CA	1,461	19	57	13	6	1	5	12	3,752
Clintondale Community Schools	MI	1,453	69	2	24	1	1	4	0	3,197
Division of Youth Service	MO	1,444	43	2	55	0	0	0	16	1,444
Fairfax Co Public Schools	VA	1,378	17	56	15	10	0	2	16	185,630
Three Rivers Community Schools	MI	1,360	7	6	78	1	0	7	7	2,703
Milwaukee School District	WI	1,346	76	17	5	1	1	1	19	76,021

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Kern County Office of Education	CA	1,337	13	68	17	1	1	0	12	3,239
Long Beach Unified	CA	1,334	16	71	6	6	1	1	5	78,702
Los Angeles County Office of Education	CA	1,318	30	60	5	2	1	1	32	6,018
San Bernardino City Unified	CA	1,306	16	74	6	2	1	2	7	54,352
Birmingham Public Schools	MI	1,306	5	2	89	2	0	1	10	8,046
Marshfield Unified School District	WI	1,212	1	4	91	2	0	3	12	4,046
Texas Juvenile Justice Department	TX	1,207	37	42	19	0	0	1	28	1,207
Tri-Creek School Corporation	IN	1,196	1	10	87	0	0	2	10	3,344
Fresno Unified School District	CA	1,190	13	72	7	5	1	2	10	74,318
Redlands Unified	CA	1,173	7	68	10	14	1	1	2	22,127
Fullerton Joint Union High	CA	1,154	4	75	13	6	1	1	21	14,324
Edmonds School District	WA	1,143	3	18	63	4	1	11	15	20,992
Soledad Enrichment Action Charter High	CA	1,128	18	79	1	1	1	0	10	1,128
State Charter School Institute	CO	1,128	6	73	13	7	1	1	6	15,129
Clark County School District	NV	1,103	31	44	14	4	2	6	15	326,238
Visalia Unified	CA	1,047	3	68	21	3	1	3	10	29,062
Oakland Unified	CA	1,045	41	45	3	7	1	2	5	37,645
Mary Walker School District	WA	1,018	20	19	41	7	2	12	9	1,475

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Austin ISD	TX	1,015	11	71	14	2	0	2	12	83,742
Wyoming Public Schools	MI	1,007	13	32	43	5	1	6	10	4,364
Department of Juvenile Justice	GA	1,001	74	5	16	1	1	3	24	1,022
Gwinnett County	GA	980	40	41	13	2	0	4	16	175,958
Kent School District	WA	975	14	23	39	12	1	11	7	27,954
Portland SD 1J	OR	954	4	11	70	7	1	7	18	47,990
Brownsville ISD	TX	933	0	98	1	0	0	0	3	47,765
Corona-Norco Unified	CA	921	4	72	20	2	1	1	8	53,842
Volusia	FL	917	45	13	36	0	0	6	23	63,034
Oak Park School District	MI	914	94	1	4	0	0	1	2	4,885
Elk Grove United	CA	898	27	36	18	11	1	8	7	63,184
Whittier Union High	CA	881	1	89	9	1	0	0	16	12,472
Oxnard Union High	CA	878	1	89	7	2	1	1	7	17,254
Davidson County	TN	876	48	13	35	2	0	2	12	85,560
East Side Union High School District	CA	870	3	81	5	9	1	2	8	23,015
Spokane School District	WA	862	2	11	69	1	4	13	15	30,375
Alachua	FL	857	62	7	24	1	0	5	26	29,329
Jefferson County School District No. R-1	CO	853	2	34	58	1	2	3	13	86,912
Dekalb County	GA	850	62	22	2	12	1	1	0	101,355
Oklahoma City	OK	841	31	30	29	1	6	3	29	40,944
Anchorage School District	AK	821	10	11	28	14	22	16	28	48,267

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Insight School of Michigan	MI	806	18	5	73	1	1	2	20	806
Newton County	GA	804	60	5	31	1	0	3	10	19,724
Morgan County	TN	802	1	0	98	1	0	1	7	3,407
Lakeside Union Elementary	CA	797	7	37	40	3	1	11	11	6,285
Osceola	FL	793	16	67	13	1	0	3	10	61,427
New York City Public Schools	NY	788	55	33	6	2	3	1	0	984,500
San Bernardino County Office of Education	CA	781	26	58	10	1	2	3	20	2,723
Granite District	UT	768	5	37	51	6	2	0	6	94,562
Desert Sands Unified	CA	767	1	80	16	1	0	1	11	28,606
Caddo Parish	LA	764	71	2	26	1	0	1	7	39,678
Madison District Public Schools	MI	764	15	1	84	1	0	0	1	1,899
Baltimore City Public Schools	MD	761	98	1	1	0	1	0	23	83,924
Fontana Unified	CA	750	8	87	3	1	1	0	8	40,629
Manatee	FL	750	31	38	28	0	1	3	20	48,384
Collier	FL	747	20	57	18	0	3	2	18	46,061
San Antonio ISD	TX	746	9	83	6	0	0	1	7	53,344
Dallas ISD	TX	742	40	55	5	0	0	0	16	158,941
Okaloosa	FL	735	33	11	49	1	0	6	28	30,419
Richland School District	WA	733	2	11	83	2	1	2	4	13,034
Omaha Public Schools	NE	727	33	30	23	6	2	7	18	52,208
Antioch Unified	CA	726	33	36	21	4	2	4	15	17,312

Escambia	FL	724	72	4	17	1	2	4	16	40,710
Sacramento City Unified	CA	711	24	47	9	14	1	5	5	42,755
Santa Ana Unified	CA	697	0	98	1	1	0	1	8	56,443
Taylor ISD	TX	694	7	66	25	1	0	1	12	3,232
Rochester Public School District	MN	687	19	17	49	8	2	5	13	17,194
Eldon R-I	MO	685	1	1	94	1	1	0	13	2,189
Southgate Academy Inc.	AZ	684	1	82	6	1	9	1	13	684

Legend: AI/AN = American Indian/Alaska Native.

Source: GAO analysis of data from the Department of Education's Civil Rights Data Collection for school year 2015-16 | [GAO-19-373](#)

Appendix III: Comments from the Department of Education



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS

THE ASSISTANT SECRETARY

May 10, 2019

Ms. Jacqueline Nowicki, Director
Education, Workforce,
and Income Security Issues
Government Accountability Office
Washington, DC 20548

Dear Ms. Nowicki:

Thank you for the opportunity to provide comments on the Government Accountability Office (GAO) draft report, *K-12 Education: Certain Groups of Students Attend Alternative Schools in Greater Proportions than They Do Other Schools* (GAO-19-373). I am providing comments on behalf of the U.S. Department of Education (Department) regarding some of the methodological limitations of the GAO draft report and its conclusions. Many of these comments have been prepared by the Institute of Education Sciences.

The Department appreciates the importance of GAO looking at the enrollment of students in public K-12 alternative schools. As the draft report notes, alternative schools serve some of our nation's most vulnerable students, and it is important to ensure students at these schools receive the services they need in order to successfully participate in their education. As discussed below, we recommend that GAO, in the summary and in the body of the report, explicitly highlight the report's limitations and caution readers regarding the implications of these limitations. We have enclosed the Department's technical comments highlighting these problems, which we hope will help GAO improve the report.

Here, let me first note that the definition of alternative schools and alternative learning environments (ALE) vary widely across the states. We encourage GAO to carefully review and consider this variability as it raises issues with the report's methodology and conclusions. It is also important to note that part of the analysis included in the draft report is based on data reported for seven out of nearly 15,000 school districts.

More important are the methodological limitations of the report. The predictive effects of the variables included in this report, i.e., race, ethnicity, and disability, are most likely dwarfed (and certainly confounded) by the effects of other variables, such as socio-economic status, exposure to violence and trauma, and family and neighborhood effects. The GAO report recognizes that multiple factors affect the likelihood of a student being assigned to ALE, but its analyses are overwhelmingly single variable comparisons. But because these factors (e.g., exposure to trauma, poverty, and race/ethnicity) are highly correlated, looking at any one factor without considering the effects of other correlated factors will likely lead to erroneous results.

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For instance, the GAO draft report analyzes disproportionality by comparing the proportion of students by race/ethnicity in ALE with the proportions of students in non-alternative learning environments. In this analysis, essentially differences in the racial/ethnic composition of students between ALE and non-ALE are assigned to racial/ethnic factors, setting aside all other contributors to that pattern of enrollments. This results in estimates of racial/ethnic driven disproportionality that are upwardly biased for Black and Hispanic students. The same bias exists because of the high correlation between the types of trauma described in the report and the race/ethnicity of the students.

Because GAO presents analyses that attribute all the disproportionality to race/ethnicity regardless of other factors, the draft report does not provide a clear picture of how much of the disproportionality is **caused** by race/ethnicity and how much is simply **correlated** with it. The entanglement of correlation and causation reduces the value of the report for understanding the policy implications of the findings

Consequently, we are concerned that less sophisticated readers will attribute the differences in enrollment to race and disability rather than some of the other factors that clearly contribute to enrollment patterns. More explicit cautionary language is needed to reduce such misunderstanding on the part of your readership.

The Department appreciates the opportunity to provide these comments as well as the enclosed technical comments on the GAO draft report. We are available to respond to any questions or have further discussions if that would be helpful.

Sincerely,



Kimberly Richey
Principal Deputy Assistant Secretary
for Civil Rights

Enclosure

Appendix IV: GAO Contact and Staff Acknowledgments

GAO Contact	Jacqueline M. Nowicki, (617) 788-0580, nowickij@gao.gov
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Staff Acknowledgments	In addition to the contact name above, Sherri Doughty (Assistant Director), Cady S. Panetta (Analyst-in-Charge), Eve Weisberg, Holly Dye, Brian Egger, John Mingus, and James Rebbe made key contributions to this report. Also contributing were James Bennett, Deborah Bland, David Blanding, Kelsey Kreider, Sheila R. McCoy, Austin Sprinkles, and Daren Sweeney.
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